

### **Remarks**

Claims 1 and 8 have been amended to further define “the alloy emulsion” in each claim. Support for this amendment is found in [0009] of the specification.

### **Rejections under 35 U.S.C. 112**

Claims 1-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the rejection asserted claim 1 was unclear as to how the components of (ii) are added to the emulsion by free radical polymerization.

Applicant has amended step (ii) of claim 1 to read;

*(ii) adding to the emulsion in (i) one or more ethylenically unsaturated organic monomer components for preparing an organic polymer emulsion by free radical emulsion polymerization ; and (iii) heating the emulsion from (ii);*

Applicant respectfully submits that the presently amended claim now clearly describes how the components of (ii) are added to the emulsion of (i).

**Rejections under 35 U.S.C. 102**

In the office action dated 08/18/2009, claims 1-3 and 5-7 were rejected as being anticipated by Hillard (US 3,898,300) as evidenced by Hyde et al (US2,891,920).

Applicant believes the presently amended claims patentably distinguish from Hillard. Hillard requires grafting of its organic polymer and polyorganosiloxane (column 6, lines 6-7) and further requires its polyorganosiloxane to contain vinyl or allyl content (for the purposes of grafting or formation of copolymers, as detailed in column 5, lines 8-21). The present amendment to claim 1 provides;

*the polymer alloy emulsion compositions are substantially two-phase emulsion particles composed of a silicone phase and an organic phase, in which there exists no grafting monomers in the composition, and in which there is no chemical crosslinking between the silicone and organic polymer chains in the emulsion.*

### **Rejections under 35 U.S.C. 103**

Claims 4, 7 and 8-12 were rejected as being unpatentable over Hillard (US 3,898,300) in view Hyde et al (US 2,891,920).

Applicant respectfully submits that the claims as amended define an invention which is unobvious over Hillard (US 3,898,300) in view Hyde et al (US 2,891,920). As discussed above, Hillard requires grafting of its organic polymer and polyorganosiloxane (column 6, lines 6-7) and further requires its polyorganosiloxane to contain vinyl or allyl content (for the purposes of grafting or formation of copolymers, as detailed in column 5, lines 8-21). In contrast, the present claims require that no grafting monomers are present in the composition, and there is no chemical crosslinking between the silicone and organic polymer chains in the emulsion. Thus, Hillard actually *teaches away* from the presently claimed invention in that Hillard teaches and requires the addition of grafting monomers and crosslinking between the silicone and organic monomers.

The present response is being submitted within the statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for a two month extension, and any additional fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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